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United States District Court
Eastern District of New York

_____)	
Fausto Fernandez,)	
)	
Plaintiff,)	
)	No. 14cv4306(BMC)
- against -)	
)	
On Time Ready Mix Inc.)	<u>Declaration of Fernandez</u>
)	
)	
Defendant.)	
_____)	

1. I am the plaintiff in the above-referenced matter. I hereby declare under penalty of perjury that the following statements are true to the best of my knowledge.
 2. I was employed by the Defendant (a concrete company) as a driver for approximately 1 1/2 years.
 3. My rate of pay was approximate \$20 per hour.
 4. During many of the weeks I worked for the Defendant, I worked more than 40 hours per week.
 5. For example, I often worked extra shifts on Saturdays for which I was paid "straight time".
 6. In addition, I was not paid at all for certain preliminary work at the beginning of shifts, such as inspecting and pressurizing the truck to which I was assigned.
- FF

I ended up working many overtime hours (i.e. hours over 40 in a week) for which I did not receive time and a half.

8. I should note that I was advised not to pinch in for the weekend work.

9. These practices were common to all of the drivers employed by the Defendant.

10. I know this based on conversations with co-workers and also I ~~was~~ because the Defendant's practices, such as not pinching in on Saturdays, were ~~common to all of the drivers employed by the Defendant~~ discussed with Defendant's dispatchers while other drivers were present.

11. I declare under penalty of perjury that the foregoing is true and correct.

Justin Jarama

September 14, 2014
Queens, New York.